

**REMARKS**

To summarize the Office Action, the Examiner objected to the drawings, objected to the specification and claims for various informalities, rejected claims 1-7 under 35 U.S.C. § 112, 2<sup>nd</sup> paragraph and rejected claims 1 and 3-6 under 35 U.S.C. § 103(a).

By the present Amendment, claims 5 and 6 are canceled. Further, claims 1, 3, 4 and 7 are amended. Claim 8 was previously withdrawn in response to the restriction requirement. Thus, claims 1-4 and 7 are all the claims pending in the application. Applicant addresses each of the objections and rejections as follows:

**Objection to the Drawings**

The Examiner objected to the drawings as failing to show every feature of the invention specified in the claims. In response, Applicant submits that this objection is moot in view of the amendment to claims 1 and 4 and the cancellation of claim 5. Thus, Applicant requests the withdrawal of the objection.

Additionally, the Examiner objected to Figures 1 and 2 for including reference characters “Z” and “Z1” not mentioned in the specification. In response, Applicant has amended figures 1 and 2 to delete these reference characters, and therefore requests this objection be withdrawn.

**Objection to the Specification**

The Examiner objected to the abstract, the disclosure and the title for various informalities. In response, Applicant submits that the objection to the abstract is moot in view of the amended abstract. Further, Applicant has amended the disclosure as suggested by the Examiner. Finally, Applicant has amended to title to be clearly indicative of the invention.

Accordingly, Applicant submits that the objections to the specification have been overcome, and requests the withdrawal of these objections.

### **Objection to the Claims**

The Examiner objected to claims 1, 4 and 5 for various informalities. In response, Applicant has amended claims 1, 4 and 5 as suggested by the Examiner, and requests these objections be withdrawn.

### **Claim Rejections - 35 U.S.C. § 112, second paragraph**

The Examiner rejected claims 1-7 under 35 U.S.C. § 112, 2<sup>nd</sup> paragraph as being indefinite. In particular, the Examiner rejected claim 1 for being allegedly unclear as to what structural details are claimed in terms of rotating the stripper 180 degrees. Applicant respectfully disagrees with this rejection and submits that amended claim 1 should be regarded as fully clear since the claimed apparatus contains all structural features required for fitting the stripper onto the structure in two opposite positions. The precise manner of how a 180° rotation of the stripper occurs is totally irrelevant to the present invention and can be conducted by any available suitable means known in the art such as a conventional external elevator machine. Applicant further disagrees with the Examiner's suggestion that the presence on the stripper shell of a centrally located rotating shaft would be required. As stated above, the manner in which the rotation occurs is not relevant, and therefore the rejection of claim 1 as indefinite is without basis. Accordingly, Applicant requests the rejection be withdrawn.

As to the rejection of claim 4, Applicant submits this rejection is moot in view of the amendment to claim 4, and requests its withdrawal.

**Claim Rejections - 35 U.S.C. § 103(a)**

The Examiner rejected 1 and 3-6 under 35 U.S.C. § 103(a) in view of Zardi et al. (EP 0 306 614 A2) (hereinafter “Zardi”). This rejection is traversed.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. In the present application, Applicant submits that the rejections of claims 1 and 3-6 are improper at least because not all of the claim limitations are taught or suggested by Zardi and the Examiner’s stated motivation to modify Zardi is improperly based on impermissible hindsight.

For example, claim 1 requires that the “stripper (2) is further externally equipped with *support elements* (7) so that the stripper (2) can be fitted onto said structure (6) in *two distinct vertical positions rotated by 180°* with respect to a horizontal axis of symmetry (x-x) of said stripper.” Supporting disclosure for the amendment to claim 1 can be found in the specification at page 6, line 5-6, Figure 1 and 3 and claim 3, among others. In rejecting claim 1, the Examiner is apparently interpreting Zardi to disclose a stripper while pointing to Figures 3 and 5, which describe a condenser-distiller (DC). Applicant notes that condenser-distiller DC is separate from the stripper ST described by Zardi.

In contrast to the stripper of Applicant’s claim 1, no support elements are described with respect to either the stripper ST or condenser-distiller DC disclosed in Zardi. There is no

evidence of the provision of a structure for supporting structure ST or condenser-distiller DC and of support elements on the stripper shell for fitting the stripper onto said structure.

Furthermore, Zardi is totally silent about the claimed feature of providing the shell of the stripper with support elements that allows the stripper to be fitted onto a supporting structure in *two distinct vertical positions*. Therefore, Applicant respectfully submits that Zardi fails to teach or suggest the claimed support elements and the rejection is necessarily improper.

Furthermore, the problem to be solved by the present invention (see Specification at page 3, lines 23-30) and the claimed solution thereof are clearly missing from Zardi. For instance, there is no indication or suggestion in Zardi of support elements on either the stripper ST or condenser-distiller DC that could provide the rotation required by claim 1.

Even assuming arguendo that support elements are present on the stripper ST or condenser-distiller DC of Zardi, these would be conventionally designed in order to conventionally support the stripper in a conventional operating position. In other words, the stripper ST or condenser-distiller DC would be provided with support elements of the type shown on bottom B of stripper 2 of Figure 1 of the instant application only. (See Figure 1 at reference sign 7). It is clear that by rotating the stripper in the opposite vertical position (as for instance shown in Figure 2 of the present application), these supporting elements would be totally unsuitable for fitting the stripper onto the supporting structure. Moreover, the Examiner's assertion that stripper of Zardi would inevitably require support elements in different opposite operating positions is clearly unfounded and not based on the actual disclosure of the reference.

There is simply no basis for such a statement as it is in no way taught or suggested by the actual disclosure of the Zardi reference.

Further, the assertion that it would be obvious to provide a stripper with support elements for future disassembly of the stripper and subsequent 180° stripper rotation due to excess corrosion of the latter is improperly based on impermissible hindsight reasoning supplied by the Examiner. There is absolutely no suggestion in Zardi about corrosion occurring in the stripper, nor is there any suggestion regarding how such a problem would be addressed. Indeed, Zardi belongs to that state of the art described in pages 2-3 of the specification of the instant application, wherein a complete replacement of the corroded stripper would be required.

Accordingly, the only basis for the Examiner's conclusion of obviousness is one founded on impermissible hindsight reasoning.

Accordingly, Applicant submits that the rejection of claim 1 is improper and requests the rejection be withdrawn. Further, since claims 3-4 and 7 depend from claim 1, Applicant submits that these claims are allowable, at least by virtue of their dependency from claim 1.

## **Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Amendment Under 37 C.F.R. § 1.111  
Attorney Docket No. Q66353

Application Serial No. 09/970,975

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Brian W. Hannon  
Registration No. 32,778

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE  
**23373**  
CUSTOMER NUMBER

Date: January 24, 2005

Amendment Under 37 C.F.R. § 1.111  
Attorney Docket No. Q66353

Application Serial No. 09/970,975

**AMENDMENTS TO THE DRAWINGS**

**Please remove Figures 1 and 2 as originally filed and replace with amended Figures 1 and 2 attached herewith.**

Attachment: 2 Replacement Sheet(s)